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INTELLECTUAL PROPERTY LAW

To:	U.S. Patent & Trademark Office	From:	Anton J. Hopen
Attn:	Robert W. Hodge - Art Unit 1746	Client:	1372.26
Fax:	(703) 872-9310	Pages:	4 including coversheet
Phone:	(571) 272-2097	Date:	February 18, 2005
Re:	USSN 10/064,391	CC:	University of South Florida (Assignee)

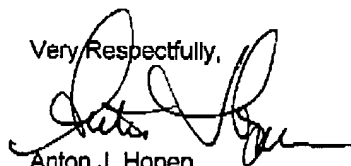
☐ Urgent    ☒ For Review    ☐ Please Comment    ☐ Please Reply    ☐ Please Recycle

Dear Examiner Hodge:

In response to the non-final office action mailed February 14, 2005, we enclose the following:

1. Amendment Transmittal with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated February 18, 2005 (1 page); and
2. Response to Election/Restriction Requirement (2 pages).

Very Respectfully,



Anton J. Hopen  
Reg. No. 41,849

The documentation accompanying this transmission contains information from the Law Office of Smith & Hopen, P.A., which is confidential and/or privileged. The information is intended only for the use of the individual or entity named on this sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance upon the contents of this telecopied information is strictly prohibited. If you have received this transmission in error, please notify us by telephone immediately, so that we can arrange for the return of the original documents to us at no cost to you.

FEB 18 2005

Practitioner's Docket No. 1372.26

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICEIn re Application of: **Robert Frederick Benson**Serial No.: **10/064,391**Filed: **07/09/2002**For: **Fuel Cell**Art Unit: **1746**  
Examiner: **Robert W. Hodge**  
Confirmation: **5835**Faxed to Technology Center 1700 at (703) 872-9310  
Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**AMENDMENT TRANSMITTAL**

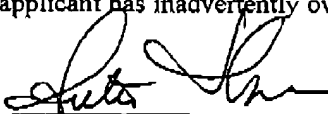
1. Transmitted herewith is a Response To Election/Restriction Requirement for this application.

**STATUS**

2. Applicant is an independent inventor. A statement was already filed.

**EXTENSION OF TERM**

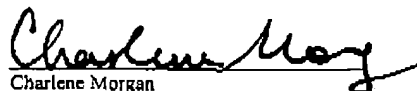
3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

  
**SIGNATURE OF PRACTITIONER**  
Anton J. Hopen  
Smith & Hopen, P.A.  
15950 Bay Vista Drive, Ste. 220  
Clearwater, FL 33760  
(727) 507-8558Reg. No.: 41,849  
Customer No.: 21,901**CERTIFICATE OF FACSIMILE TRANSMISSION**

(37 C.F.R. 1.8(a))

I HEREBY CERTIFY that this correspondence is being transmitted by facsimile to the U.S. Patent and Trademark Office, Group Art Unit 1700, Attn: Robert W. Hodge, (703) 872-9310 on February 18, 2005.

Dated: February 18, 2005

  
Charlene Morgan

(Amendment Transmittal—page 1)

Practitioner's Docket No.: 1372.26

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICEIn re Application of: **Robert Frederick Benson**Serial No.: **10/064,391**Filed: **07/09/2002**For: **Fuel Cell**Art Unit: **1746**  
Examiner: **Robert W. Hodge**  
Confirmation: **5835**

Faxed to Technology Center 1700 at (703) 872-9310  
Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant responds to the nonfinal Examiner's action mailed February 14, 2005, having a shortened statutory period for response set to expire May 16, 2005 as follows:

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Applicant elects to prosecute claims 1-10, drawn to a method of generating electrical energy, classified in class 429, subclass 17. The claims readable thereon are claims 1-10. This election is made without traverse.

REMARKS

If an Examiner's Amendment would place the pending claims in condition for allowance, a telephone call to the undersigned at (727) 507-8558 is requested.

Very respectfully,

SMITH &amp; HOPEN

By: 

Anton J. Hopen  
Suite 220  
15950 Bay Vista Drive  
Clearwater, FL 33760  
(727) 507-8558  
Attorneys for Applicant

Dated: February 18, 2005

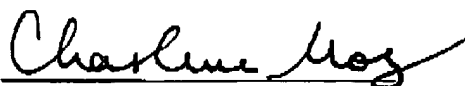
pc: University of South Florida (Assignee)

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**CERTIFICATE OF FACSIMILE TRANSMISSION**  
(37 C.F.R. 1.8(a))

I HEREBY CERTIFY that this Response to Election/Restriction Requirement is being transmitted by facsimile to the U.S. Patent and Trademark Office, Group Art Unit 1700, Attn: Robert W. Hodge, (703) 872-9310 on February 18, 2005.

Dated: February 18, 2005

  
Charlene Morgan